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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor:

Victor BRONSHTEIN

Application No.:

09/254,563

Art Unit:

1651

Filed:

03.05.1999

Examiner:

Sandra Saucier

Title:

Shelf Preservation of Cells, Tissues, Organs and
Organisms by Vitrification

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

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OCT 14 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 670.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Reply to Office Action (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Oct. 6, 04

Date

Telephone Number: (858) 792-6382

V. Bronshtein
Signature

Victor Bronshtein

Typed or printed name

5008 Almondwood Way

Address

San Diego, CA 92130

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Oct. 8, 2004
Date

V. Bronshtein
Signature

Victor Bronshtein

Type or printed name of person signing certificate

Statement of Unintentional Abandonment: October 6, 2004
Inventor: Victor Bronshtein
Patent Application #09/254,563
Patent Name: Shelf preservation of cells, tissues, organs and organisms by vitrification.
Application Date: 03-05-1999

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OFFICE OF PETITIONS

My patent application (09/254,563) was unintentionally abandoned due to a failure to respond to an office action issued on April 9th, 2002. Though much time has elapsed since the last office action, the failure to respond was not intentional, but was rather the result of a lack of communication and information caused by the closing Universal Preservation Technologies, Inc. and problems communicating with the U.S. Patent office.

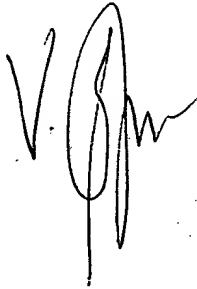
At the time of the patent application, I worked for Universal Preservation Technologies, Inc. According to my job agreement, I was obligated to assign my patent to Universal Preservation Technologies, Inc., which hired Knobbe, Martins, Olsen, and Bear, LLP to prosecute the application. At the end of 2002, Universal Preservation Technologies' assets were foreclosed and the business was forced to close. As a result of this foreclosure, my job agreement with Universal Preservation Technologies, Inc. was breached and thus I was no longer required to assign this patent to the company. Unfortunately I was unaware of the abandonment of the application because the patent correspondence was still with Knobbe, Martins, Olsen, and Bear, LLP, who no longer represented either myself or Universal Stabilization Technologies, Inc.

Recently, I discovered that the prosecution of the patent had ceased and the patent had gone abandoned so I began the process of reinstating the patent application. I revoked the power of attorney, given to Knobbe, Martins, Olsen, and Bear, LLP, in April of 2003 and attempted to change the address of correspondence to my home so that I could begin to prosecute the application on my own. Unfortunately, the change of correspondence was incorrectly entered, further exasperating communication and information problems and causing further delay in my desire to reinstate the application. Most recently, I have re-applied for the correct change of correspondence, and now hope to reinstate this application so that I may continue prosecution.

Due to the closing Universal Preservation Technologies, Inc. and ensuing problems concerning communication and information, I was unaware of the need to respond to an office action and thus the abandonment was unintentional. Though much

time has elapsed since the last office action, I have been either unaware, or unable to properly communicate with the U.S. Patent Office in order to respond to both this office action and the resultant abandonment of my patent. For these reasons, the failure to respond was unintentional and I now petition to reinstate this application for continued prosecution.

Victor Bronshtein, Ph.D.

A handwritten signature in black ink, appearing to read 'V. Bronshtein', with a large, stylized 'V' and 'B'.

October 6, 2004